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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,864	12/21/2001	Sridhar Ranganathan	KCC-16,282	4026
35844	7590	08/05/2004	EXAMINER	
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD HOFFMAN ESTATES, IL 60195			COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,864

Applicant(s)

RANGANATHAN ET AL.

Examiner

Elizabeth M. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18,22-30,32-34,52,56-64,66-68,71,72,75,76,80-82 and 86-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,22-29,32-34,52,56-63,66-68,71,72,75,76,80-82 and 86-88 is/are rejected.
- 7) ☒ Claim(s) 30 and 64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 524/04
61104
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/04 has been entered.
2. The following informality is noted with regard to the amendment filed 5/24/04: The status identifier used for claims 30, 52, 64, 66, 75 is improper. The status identifier should be previously presented, not previously amended. Previously amended is not a valid status identifier. Appropriate correction is required.
3. Claims 23-25, 57-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims depend from cancelled claims.
4. Claims 28, 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims use improper Markush-type language, (i.e., "including" instead of "consisting of"). Appropriate correction is required .
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 18, 22-25, 29, 32-34, 52, 56-59, 63-64, 66-68, 80-82, 86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assarsson et al, U.S. Patent No. 3,901,236 in view of

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Dodge, II et al, U.S. Patent No. 5,994,615 and Veith et al, U.S. Patent No. 5,516,569. Assarsson et al discloses a superabsorbent particle which is coated with a cellulosic material such as cellulosic fiber. See col. 3, line 41- col. 4, line 46. The superabsorbents may be incorporated into airlaid absorbent pads. See col. 7, lines 21-50. The individual particles may comprise up to about 80% which meets the claimed limitations regarding the percent of superabsorbent to cellulosic fibers. See Col. 10, lines 17-26. With regard to limitations regarding the absorbent capacity of the composite absorbent web, although Assarsson et al does not disclose the claimed values, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have optimized the absorbency capacity of the web through the process of routine experimentation by optimizing factors such as the amount and placement of the superabsorbent particles, the choice of the other components of the absorbent pad, etc. Assarsson et al differs from the claimed invention because Assarsson et al does not disclose the claimed density and does not disclose the presence of binders such as binder fibers in the airlaid pads. Dodge teaches at col. 12, lines 5-25 and col. 13, lines 9-16, that suitable absorbent materials, including airlaid webs, may include up to about 10 percent of a binder component based on the weight of the web. Dodge teaches that the binder component may comprise a thermoplastic polymeric fiber such as a polyolefin fiber or a bi-component fiber such as a polyethylene/polyethylene terephthalate fiber. See col. 16, lines 10-22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the particularly taught density and binders of Dodge in the airlaid web of Assarsson et al. One of ordinary skill in the art would have been motivated to employ the particularly taught density and binders of Dodge by the expectation that these would enhance the absorbency and strength of the Assarsson absorbent web since Dodge

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teaches that webs comprising these components are particularly strong and have improved fluid handling properties. Neither Assarsson nor Dodge teach employing about 85 to about 98 percent by weight superabsorbent. Veith teaches absorbent composite comprising a mixture of fibrous material and particulate superabsorbent material wherein the superabsorbent material may comprise up to about 85 percent by weight. See col. 4, lines 3-14. Veith teaches that having higher amounts of superabsorbent allows the absorbent products to be made thinner. See col. 7, lines 4-16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated high amounts of superabsorbents in the absorbent composite of Dodge as taught by Veith. One of ordinary skill in the art would have been motivated to employ high amounts of superabsorbents into the absorbent composite of Dodge by the expectation that this would allow the composite to be thinner.

7. Claims 26-28, 60-62, 70-72, 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assarsson et al in view of Dodge and Veith as applied to claims 18, 22-25, 29, 32-34, 52, 56-59, 63, 66-68, 80-82, 86-88 above, and further in view of Radwanski et al, U.S. Patent No. 4,939,016.

Assarsson, Dodge and Veith do not teach incorporating elastomeric fibers or meltblown fibers into the airlaid absorbent webs or employing additional layers with the airlaid layer. Radwanski et al teaches that meltblown elastomeric fibers may be incorporated into airlaid webs in order to enhance the aesthetic properties of the web by producing a more cloth-like product. See col. 5, lines 9-27 and col. 6, lines 1-27, col. 7, lines 3-57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated elastomeric meltblown fibers into the absorbent web of Assarsson, motivated by the expectation that this

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would enhance the aesthetic properties of the web. Radwanski further teaches that additional layers may be added to the web, such as col. 8, line 51 – col. 1-, line 26, in order to enhance and/or additional properties to the fabric. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included additional layers such as those taught by Radwanski into the material of Assarsson, motivated by the expectation that additional properties could be added to or enhanced by the additional layers.

8. Claims 30 and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


9. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.


Elizabeth M. Cole

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Primary Examiner
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